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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-28336 of 2016

Date of decision: August 17, 2016

Paramdeep Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Navjot Singh, Advocate
for the petitioner.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

It is not necessary to issue notice to the other-side in view
of the nature of controversy.

In a complaint case under Section 138 of the Negotiable
Instruments Act, 1881 (for short 'Act'), petitioner who is the accused,
failed to appear and as such, was declared proclaimed person.
Therefore, FIR No.147 dated 09.03.2016, under Section 174-A of
Indian Penal Code, 1860, has been registered at Police Station Jagadhri
City, District Yamunanagar against him and therefore, he is seeking
anticipatory bail since the offence is non-bailable.

Learned counsel for the petitioner states that the petitioner
had met with an accident and had loss of memory. Therefore, being
medically unfit, he did not appear before the trial Court and now,
consequently he was declared proclaimed person and FIR in question

has also been registered against him. In support of his statement, he has annexed the document from the Hospital which I have perused. The counsel for the petitioner has made a statement that in order to show his bonafide, he would deposit an amount of ₹4 lacs with the trial Court within 3 months.

I am satisfied that the petitioner was prevented by sufficient cause beyond his control and remained absent before the trial Judge. The criminal case is a private complaint under Section 138 of the Act and therefore, I am inclined to grant anticipatory bail to the petitioner who has undertaken before me to appear before the trial Court hereinafter and would also furnish the bail.

In that view of the matter, petitioner is ordered to be released on anticipatory bail on his furnishing bail bonds amounting to ₹10,000/- with one surety of like amount, subject to the satisfaction of the trial Judge. Petitioner would deposit an amount of ₹4 lacs with the trial Court within 3 months. If, such deposit is made, the trial Court shall deposit the same in fixed deposit in any National Bank.

Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

August 17, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No